

**Notice of Allowability**

Application No.

10/717,836

Applicant(s)

JOEDICKE, INGO B.

Examiner

JOHN PAK

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1616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-9 [no renumbering necessary].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/20/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

  
JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600

Claims 1-9 are pending in this application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Davis on 2/14/2006. With respect to the amendment to the specification, the Examiner noted that the Drawing (1 sheet only) has been objected to by the Draftsperson, including for the reason of not numbering the drawing (Figure A should be changed to Figure 1). Since applicant intends to correct the drawing in accordance with PTO-948, which is attached hereto, the specification amendment is made herein to correspond to the drawing changes.

#### **Amendments to the Claims**

Claim 1, line 2: delete "prevent or".

Claim 1, line 4: delete "such" and insert --- said --- .

Claim 1, line 10: delete "of".

Claim 1, line 14: delete "consisting of" and insert --- comprising --- .

Claim 1, line 20: delete "the algicidal" and insert --- algicidal copper or zinc --- .

Claim 5, line 2: delete "concert" and insert --- mixture --- .

Claim 7, line 2: delete "of".

Claim 8, line 3: delete "prevent or".

Claim 8, line 4: delete "such" and insert --- said --- .

Claim 8, line 28: after "1.5" insert --- pounds --- .

Claim 8, line 33: delete "said algicidal" and insert --- algicidal copper or zinc --- .

Claim 9, line 7: delete "material" and insert --- mineral aggregate --- .

Claim 9, line 8: delete "of".

Claim 9, line 10: delete "material" and insert --- mineral aggregate --- .

Claim 9, line 14: delete "materials" and insert --- mineral aggregate --- .

Claim 9, line 19: delete "said algaecidal" and insert --- algicidal copper or zinc ---.

### **Amendments to the Specification**

Page 9, line 4: delete "FIG. A" and insert --- Figure 1 --- .

Page 10, line 2 from the bottom: delete "FIG. A" and insert --- Figure 1 --- .

Page 11, line 4: delete "FIG. A" and insert --- Figure 1 --- .

Page 12, line 1: delete "FIG. A" and insert --- Figure 1 --- .

The following is an examiner's statement of reasons for allowance: The claimed invention is directed to algae-retardant roofing granules, method of making said granules, and method of protecting asphalt-coated roof shingles by applying said granules to roofing shingles. The claimed invention requires specific amount and

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mixture of cuprous oxide or cuprous oxide + zinc sulfide in the first or inner layer and the specific amount and mixture of internal gas forming compound in the second or outer layer, as claimed (see full text of claims 1, 8 and 9). The prior art fails to adequately disclose or suggest the same. Additionally, applicant's data in the drawing sheet (amended to "Figure 1," the only drawing sheet) shows superior metal release rate with the enhanced porosity obtained by the second coating (see also specification pages 10-12). Further, tables of data on pages 15 and 17 of the specification demonstrate that applicant's second coating improves algae control. Therefore, the claimed invention *as a whole* is deemed to be allowable.

U.S. Patent Nos. 4,378,408 and 6,235,372, and U.S. Patent Application Publication No. 2002/0098983 are cited to further show the state of the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

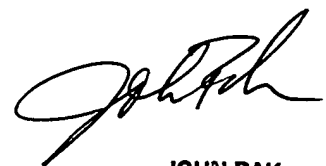
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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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